



United States Attorney
Southern District of New York

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August 27, 2007

BY FEDERAL EXPRESS

Vincent L Briccetti, Esq.
Briccetti, Calhoun & Lawrence, LLP
81 Main Street, Suite 450
White Plains, New York 10601

Re: United States v. Jhamel Sean Francis, et al.
07 Cr. 672 (RJH)

Dear Mr. Briccetti:

This letter provides discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure ("Fed. R. Crim. P."), and seeks reciprocal discovery.

Disclosure By the Government

Based on your request for discovery in this case, I have enclosed copies of the following materials, which are stamped with control numbers 00001 through 03058 and 5-0001 through 5-0009:

1. the Indictment (02852-59);
2. Claudia Francis' ("the defendant") Marshal's information sheet and photograph (5-0001-3);
3. the defendant's criminal history record (5-0004-9);
4. records from Discover (00001-245; 01308-38; 03025-53);
5. records from Commerce Bank for the account of Ebony Dennis (00248-303; 02745-75; 03054-58);
6. records from Commerce Bank for the account of Lennie A. Nurse (00304-16; 02776-85; 03054-58);

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7. records from Ocean First Bank for the account of Kenneth Francis (00318-334; 02798-2809);
8. records from PNCBank for the account of Dominik Rawle (00542-573; 02810-37);
9. records from Municipal Credit Union for the account of Claudia Francis (00574-626; 02712-02734);
10. records from Wachovia for the account of Kenneth Francis (00627-638; 00768-863; 02859-904);
11. records from Wachovia for the account of Jhamel S. Francis (00654-706; 00865-882; 02905-938);
12. records from Capital One (01223-1297);
13. records from Nordstrom (01299-1304; 02244-2709);
14. records from Citigroup (01339-1979);
15. copies of receipts and other documents recovered from Claudia Francis' house (01980-02005);
16. records from the Department of Motor Vehicles (02008-0212, 02023-02041);
17. items/documents found in plain view at the home of Dominik Rawle (02013-02019);
18. items/documents found in plain view at the home of Ebony Dennis (02020-02022);
19. records from American Express Gift Cards (02042-02052);
20. records from Sprint/Nextel (02053-02064);
21. records from Simon E-Funds (02074-02137);
22. records from American Airlines (02158-02189);

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23. records from Experian (02190-02214)
24. the inventory of items seized at Claudia Francis' house (02215-02226)
25. the search warrant obtained to seize items at Claudia Francis' house, and application therefor (02227-02243);
26. copies of CDs of video surveillance tapes from Nordstrom (02710-11);
27. records from Freehold Raceway Mall (02735-744; 03016-24);
28. records from TransUnion (02786-2797);
29. records from King of Prussia (02838-2851);
30. records from Washington Mutual for the account of Claudia Francis (02939-992); and
31. records from HSBC bank for the account of Claudia Francis (02993-3015).

The Government recognizes its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. To date, the Government is currently unaware of any *Brady* material regarding your client, but will provide timely disclosure if any such material comes to light. The Government will provide material under *Giglio v. United States*, 405 U.S. 150, 154 (1972), and its progeny, in a timely manner prior to trial.

The Government recognizes that its obligation to provide discovery is of a continuing nature, and the Government will supplement this response if it obtains additional evidence and materials.

Disclosure By the Defendant

In light of your request for the foregoing discovery, the Government hereby requests reciprocal discovery under Fed. R. Crim. P. 16(b). Specifically, we request that you allow inspection and copying of: (1) any books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial; and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

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The Government also requests that the defense disclose prior statements of witnesses it will call to testify. *See Fed. R. Crim. P. 26.2; United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with 3500 material relating to Government witnesses.

We wish to remind you that Fed. R. Crim. P. 12.2 requires you to provide the Government with written notice if the defendant intends to rely on the defense of insanity at the time of the alleged crime or intends to introduce expert testimony relating to a mental disease, defect, or other condition bearing upon the issue of whether he had the mental state required for the offenses charged.

We also wish to remind you that Fed. R. Crim. P. 12.3(a) requires you to provide the Government with written notice if the defendant intends to claim a defense of actual or believed exercise of public authority on behalf of a law enforcement or Federal intelligence agency at the time of the alleged crime.

The Government requests a response to our Rule 12.2 and 12.3 demands within the time period allowed by the Court for the filing of motions.

Sentence Reduction for Acceptance of Responsibility

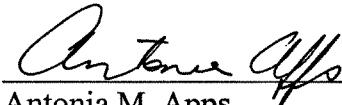
Please be advised that unless a disposition is reached on a timely basis prior to trial, this Office reserves the right to oppose the two-point reduction under the Sentencing Guidelines for acceptance of responsibility based upon its untimeliness. U.S.S.G. § 3E.1(a), Appl. Note 1.(g).

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:



Antonia M. Apps
Assistant United States Attorney
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Enclosures